

## CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION COMMUNICATION

**Meeting Date:** July 20, 2015

**Item:** Westbridge Plat 1, 874, 902, 914, 926, 938, 950, 962, 974, and 988 78<sup>th</sup> Place – Vacate 60' buffer park easement located along rear lot line of Lots 10-18, Westbridge Plat 1 – City Initiated – VAC-002768-2015

**Requested Action:** Approval of a Vacation Request

**Case Advisor:** Brian S. Portz, AICP *BP*

**Applicant's Request:** Development Services is requesting to vacate the buffer park easement located across the rear yard of 874, 902, 914, 926, 938, 950, 962, 974, and 988 78<sup>th</sup> Place (Lots 10-18 of the Westbridge Plat 1). Recently the property to the west of the subject properties was changed from an office land use to single family residential resulting in these single family lots being located adjacent to future like residential lots. Due to like land uses, the buffer is no longer required by Code. Vacation of the buffer allows the property owners to place fences, gazebos, play equipment, gardens, etc. within the area previously encumbered by the easement.

**History:** The Westbridge Plat property was annexed into the City as a part of the David Gray Annexation in 1999. The Westbridge Preliminary Plat was approved in June 1999. The associated Final Plat was approved by the City in September of 1999. In 2008, the City Council approved a resolution that allows fences within the Westbridge buffer park easements on the east and west sides of 78<sup>th</sup> Place. This resolution only pertained to fences. It did not permit the location of storage sheds, gazebos, play equipment, etc. within the buffer park easements. As indicated above, a change in Comprehensive Plan Land Use and Zoning for the property immediately adjacent was approved by the City Council in October, 2014.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on July 13, 2015. No disagreement to the request was expressed by the Subcommittee.

**Staff Review and Comment:** There are no outstanding issues.

- **Buffer Requirement:** In 2002, city code required the placement of a buffer between differing land uses. The buffer in question was required because at the time the single family ground subject of this plat was located adjacent to ground designated for office development. Per 2002 Code, the burden for the provision of the buffer was placed on the first developing parcel which was the Westbridge plat. Although the code requirement for a buffer between differing land uses still applies today, the burden of who provides the buffer was changed in city code in 2009. Per city code today, the higher intense use is required to provide the buffer. Therefore, if the single-family ground were being platted today, there would be no requirement for them to locate a buffer along the western boundary of lots 10 through 18, but rather the office ground would be required to locate a buffer along their southern boundary adjacent to this single family ground. Due to this change in city code and because the property to the west is no longer designated for office development, staff recommends the vacation of the buffer located along the western 60' of lots 10, 11, 12, 13, 15, 16, 17, & 18.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**Staff Recommendations and Conditions of Approval:** Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Vacation request for the 60 foot buffer park easement

located along the western boundary of Lots 10, 11, 12, 13, 13, 15, 16, 17, & 18, Westbridge Plat 1, subject to the applicant meeting all City Code requirements.

**Noticing Information:** On July 10, 2015, notice for the July 20, 2015 Plan and Zoning Commission and July 27, 2015 City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on July 9, 2015.

**Attachments:**

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Westbridge Plat 1 Final Plat (buffer highlighted)

RESOLUTION NO. PZC-

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES,  
RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE VACATION REQUEST  
(VAC-002768-2015) FOR THE PURPOSE OF VACATING A 60' BUFFER PARK EASEMENT LOCATED  
ALONG THE WESTERN BOUNDARY OF LOTS 10, 11, 12, 13, 13, 15, 16, 17, & 18  
WITHIN WESTBRIDGE PLAT 1**

**WHEREAS**, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, City of West Des Moines Development Services has requested approval for a Vacation Request (VAC-002768-2015) for 874, 902, 914, 926, 938, 950, 962, 974, and 988 78<sup>th</sup> Place for the purpose of vacating the 60' buffer park easement located along the western boundary of Lots 10, 11, 12, 13, 13, 15, 16, 17, & 18, Westbridge Plat 1;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on July 20, 2015 this Commission held a duly-noticed hearing to consider the application for Vacation Request (VAC-002768-2015);

**NOW, THEREFORE**, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

**SECTION 1.** The findings, for approval, in the staff report, dated July 20, 2015, or as amended orally at the Plan and Zoning Commission hearing of July 20, 2015, are adopted.

**SECTION 2.** VACATION REQUEST (VAC-002768-2015) to vacate the existing 60 foot buffer park easement located across the western 60' of lots 10-18 of Westbridge Plat 1 is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated July 20, 2015, including conditions added at the Hearing. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

**The legal description of the buffer easement to be vacated is as follows:**

**The western sixty feet of Lots 10, 11, 12, 13, 13, 15, 16, 17, & 18, Westbridge Plat 1, an Official Plat, City of West Des Moines, Dallas County, Iowa**

PASSED AND ADOPTED on July 20, 2015.

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Craig Erickson, Chair  
Plan and Zoning Commission

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on July 20, 2015 by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

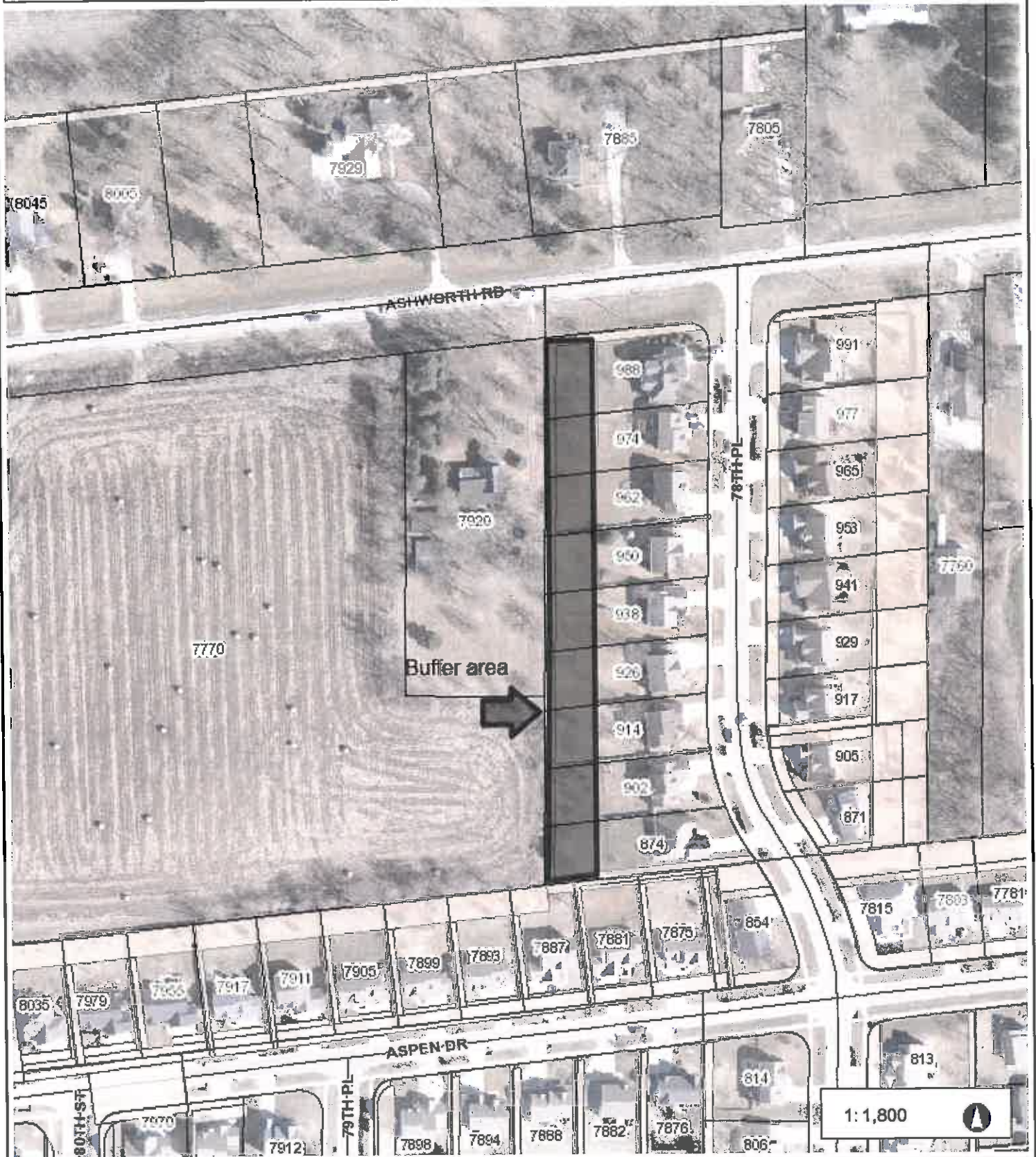
\_\_\_\_\_  
Recording Secretary

**Exhibit A**  
**Conditions of Approval**

1. No conditions of approval.



# Westbridge Buffer Park Vacation



1:1,800



300.0 0 150.00 300.0 Feet

NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet  
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



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